

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE

UNCLAS STATE 210689

E.O. 11652: N/A

TAGS: EIND, CS

SUBJECT: CERTIFICATION OF U.S. PATENTS FOR COSTA RICA

1. ALL UNITED STATES APPLICANTS FILING PATENT APPLICATIONS IN COSTA RICA ARE APPARENTLY BEING REQUESTED BY THE PATENT OFFICE OF COSTA RICA TO PROVIDE A SO-CALLED "CERTIFICATE OF MATURATION" FOR EACH APPLICATION FILED. (EMBASSY FYI ONLY: GENERAL ELECTRIC RAISED PROBLEM IN LETTER TO U.S. PATENT OFFICE. END FYI.) THIS DOCUMENT MUST BE PREPARED BY THE U.S. PATENT AND TRADEMARK OFFICE TO CERTIFY THAT THE CORRESPONDING U.S. PATENT HAD BEEN ISSUED FOR A TERM OF 17 YEARS WHICH IS NOT EXTENDIBLE EXCEPT BY AN ACT OF THE CONGRESS OF THE UNITED STATES. THE DOCUMENT IS TO BE AUTHENTICATED BY THE U. S. DEPARTMENT OF STATE, LEGALIZED BY THE EMBASSY OF COSTA RICA IN WASHINGTON, D.C., AND THEN FORWARDED BY THE APPLICANT TO THE PATENT OFFICE OF COSTA RICA IN SAN JOSE. ALTHOUGH THE U.S. PATENT AND TRADEMARK OFFICE CAN PROVIDE CERTIFICATION OF U.S. PATENTS IN SPECIAL CASES, THIS REQUIREMENT BY COSTA RICA ON A GENERALIZED BASIS WOULD IMPOSE AN EXPENSIVE AND CUMBERSOME ADMINISTRATIVE BURDEN ON U.S. CITIZENS AND OFFICES OF THE USG.

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2. WITH THE EXCEPTION OF DESIGN PATENTS, ALL U.S. PATENTS INCLUDING PLANT PATENTS ARE GRANTED FOR A TERM OF 17 YEARS.

PATENTS FOR ORNAMENTAL DESIGNS MAY BE GRANTED FOR A TERM OF THREE AND ONE-HALF YEARS, SEVEN YEARS, OR FOURTEEN YEARS. THESE TERMS ARE PROVIDED BY LAW AND ARE NOT EXTENDIBLE EXCEPT BY AN ACT OF THE CONGRESS OF THE U.S. SECTION 154, TITLE 35 USC CONCERNING THE CONTENT AND FORM OF A PATENT OR INVENTION READS AS FOLLOWS: "EVERY PATENT SHALL CONTAIN A SHORT TITLE OF THE INVENTION AND A GRANT TO THE PATENTEE, HIS HEIRS OR ASSIGNS, FOR THE TERM OF SEVENTEEN YEARS, SUBJECT TO THE PAYMENT OF ISSUE FEES AS PROVIDED FOR IN THIS TITLE, OF THE RIGHT TO EXCLUDE OTHERS FROM MAKING, USING, OR SELLING THE INVENTION THROUGHOUT THE UNITED STATES, REFERRING TO THE SPECIFICATION FOR THE PARTICULARS THEREOF. A COPY OF THE SPECIFICATION AND DRAWINGS SHALL BE ANNEXED TO THE PATENT AND BE A PART THEREOF." REGARDING THE TERM OF A DESIGN PATENT, SECTION 173, TITLE 35 USC READS AS FOLLOWS: "PATENTS FOR DESIGNS MAY BE GRANTED FOR THE TERM OF THREE YEARS AND SIX MONTHS, OR FOR SEVEN YEARS, FOR FOURTEEN YEARS, AS THE APPLICANT, IN HIS APPLICATION, ELECTS."

3. ACTION REQUESTED: DEPARTMENT AND PATENT OFFICE WOULD APPRECIATE EMBASSY CONTACTING APPROPRIATE OFFICIALS OF COSTA RICA PATENT OFFICE REGARDING THIS MATTER. IF THAT OFFICE VERIFIES THAT ALL APPLICANTS MUST SUBMIT A CERTIFICATE, EMBASSY SHOULD ASK THAT CONSIDERATION BE GIVEN TO WAIVING OR DROPPING THE REQUIREMENT FOR ALL FUTURE APPLICATIONS FOR PATENTS FILED IN COSTA RICA BY U.S. CITIZENS. EMBASSY SHOULD STRESS EXPENSIVE AND CUMBERSOME ADMINISTRATIVE BURDEN OF THIS REQUIREMENT ON U.S. CITIZENS AND U.S. GOVERNMENT. PLEASE ADVISE OUTCOME URGENTLY. KISSINGER

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